

**COMMISSIONER MEETINGS**  
All meetings take place in the Commissioners Conference Room (3107)  
located in the Stillwater Building @ 316 North 26th Street (3rd Floor)  
and are open to the public unless otherwise noted

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**MONDAY - September 14, 2020**

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**MEETING UPDATE**

In response to recent public health concerns surrounding COVID-19, Board of County Commissioner meetings will be held in a different format. Meetings may include virtual video conferencing to comply with social distancing guidelines.

In an effort to honor your right to participate and allow for public comment we have set up a conference call line. **Please dial (866) 876-1424, follow the prompts, and use access code 6002703#.**

The public may comment during the specific public comment periods listed on the agenda. Please have your phone set to "mute" until the public comment period is open.

If you have questions please contact the B.O.C.C. office at (406) 256-2701 or the Clerk and Recorder at (406) 256-2787.

**8:15 Calendar**

**8:30 Department Meetings**

1. Department Head Meeting - IT & YSC
2. Human Resources
3. Facilities
4. Finance
5. Legal/Litigation

**Closed:** Litigation Update, Reher

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**2:00 COMMISSIONERS DISCUSSION**

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**DEPARTMENTS**

1. C/C Planning-Monica Plecker - Resolution of Intent - Planning Fees and Public Hearing Schedule

**COMMISSIONERS**

1. Commissioner Boards Report

**PUBLIC COMMENTS ON COUNTY BUSINESS**

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**TUESDAY – September 15, 2020**

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**9:00 Agenda Setting**

**9:30 COMMISSIONERS BOARD MEETING**

**B.O.C.C Monday Discussion**

5.

**Meeting Date:** 09/14/2020

**Title:** CLOSED: litigation update, Reher

**Submitted For:** Melissa Williams, Deputy County Attorney

**Submitted By:** Melissa Williams, Deputy County Attorney

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**TOPIC:**

**Closed:** Litigation Update, Reher

**BACKGROUND:**

CLOSED: litigation update, Reher

**RECOMMENDED ACTION:**

Agenda Item

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## **B.O.C.C Monday Discussion**

1.

**Meeting Date:** 09/14/2020

**Title:** Resolution 20- to Adopt Fee Schedule for City-County Planning Division  
Zoning and Subdivision Applications and Permits

**Submitted By:** Monica Plecker

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### **TOPIC:**

**C/C Planning-Monica Plecker** - Resolution of Intent - Planning Fees and Public Hearing Schedule

### **BACKGROUND:**

Planning Staff will bring forward a Resolution of Intent to establish a public hearing date for the BOCC to consider fee increases as it relates to subdivision, zoning and Project Re:Code.

Planning Staff has presented at a prior discussion outlining the need to bring the City and County fee schedules in better alignment. The BOCC directed staff to bring forward the item for consideration at a regular meeting. The proposed fees are attached as Exhibit A and Project Re:Code fees are attached as Exhibit B. Some fee's will reach parity with the City in one fiscal year while fee's with great differences will have stepped increases over 3 fiscal years. The Subdivision and Zoning fee schedules will not become effective until January 1, 2021. Proposed Project Re:Code fee's will not become effective until Project Re:Code is adopted.

### **RECOMMENDED ACTION:**

Staff recommends the BOCC consider the Resolution of Intent at a regular meeting and schedule the Public Hearing.

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### **Attachments**

Informational Slides

Exhibit A

Exhibit B

Resolution of Intent

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The background of the slide features a dark teal color with a subtle, intricate network pattern. This pattern consists of numerous small, light-blue circles of varying sizes, each connected to several other circles by thin, light-blue lines, creating a complex web-like structure that spans the entire background.

CITY/COUNTY PLANNING DIVISION

# **Fee Increase** **PROPOSAL**

# Fee Schedule



ZONING & MISC



SUBDIVISION



PROJECT Re:CODE

The City and County try to consider fee increases in 2 year cycles. The County last updated fee's by 10 percent in FY 19.

The City adopted a 10 percent increase as part of the FY 21 budget process.

Research shows the fee schedules between the city and county have never matched.

Reasons to support identical fee schedules include:  
same resources, process, staffing regardless of jurisdiction

without fee increases, cost of service delivery is not achieved and private development is ultimately subsidized by all residents participating in the levy

The Zoning Fee Schedule varies in difference from \$4 (Temp Use Permit) to \$474 (Temp Use Bond) and the difference across all fees averages \$113.58.

The Subdivision Fee Schedule varies in difference from \$39 (Corrections for Final Docs) to \$2,759 (Final Plat 41-200 Lots) and the difference across all fees averages \$1,182.25.



Missed subdivision revenue is estimated at \$43,000 annually by having reduced fee's in the County.

Based on 2019 calendar activity increasing fees results in an average of \$183.25 that would be passed along to future lot owners.

Note: This is not an exact number. Smaller subdivisions would have higher costs while larger subdivisions would have lower costs passed on to future owners.

# Recommendations for Zoning Fee Schedule

**Preferred Option - Increase fees immediately to match city's existing schedule**

# Recommendations for Zoning Fee Schedule

## Preferred Option

**One time increase achieves parity. Any new increases would not be considered until FY 23.**

# Recommendations for Subdivision Fee Schedule

## Preferred Option

**Increases fees by equal amount over three fiscal years**

# Recommendations for Subdivision Fee Schedule

## Preferred Option

**Eases steep cost increases over three years and gives development community predictability. A 3 year commitment spans BOCC election year.**

# Why don't recommended options include a "triage" approach?

Staff doesn't recommend an approach that only raises some fees while preserving the large gap for others. There are some application types that are rarely used, but not addressing those fees while addressing more heavily used types does not encourage developers to pay for the cost of providing services, or close the existing gap.

# What does \$43,000 annually in lost revenue mean?

- Service delivery costs not covered (subsidy)
- Reserve spending to cover cost of services
- Use of funds to cover costs that could otherwise be allocated towards planning efforts requiring consultant services (ex. Use of PILT funds for Re:Code)
- Local match required to fill vacant planner 1 position as identified in UPWP.

# What about Project Re:Code?

The City has adopted fees for Project Re:Code in anticipation of its adoption. Staff recommends the County do the same thing. The Resolution would specifically identify the fee schedule effective date to match adoption of the Zoning Ordinance.



## Subdivision Fee Schedule - YCO FY21

SUBDIVISION APPLICATION REVIEW FEES		FY 21	FY 22	FY23
Pre-Application Meetings	(City Only)	\$ 484	\$ 593	\$ 702
Preliminary Major Plat	6 to 40 lots	\$ 2,801	\$ 3,580	\$ 4,359
	41 to 200 lots	\$ 5,509	\$ 6,299	\$ 7,090
	Over 200 lots	\$ 5,508	\$ 6,299	\$ 7,090
Preliminary Minor Plat		\$ 1,415	\$ 2,089	\$ 2,763
Preliminary Subsequent Minor Plat		\$ 1,415	\$ 2,089	\$ 2,763
Subdivision Variances	Residential	\$ 511		
	Commercial	\$ 628		
Phased Subdivision Opening		\$ 1,732		
Final Major Plat (Fee at Check Print)	6 to 40 lots	\$ 1,022	\$ 1,504	\$ 1,987
	41 to 200 lots	\$ 1,460	\$ 2,379	\$ 3,299
	Over 200 lots	\$ 1,639	\$ 2,469	\$ 3,299
Final Minor Plat(Fee at Check Print)		\$ 1,152	\$ 1,495	\$ 1,838
Final Subsequent Minor Plat		\$ 837	\$ 1,337	\$ 1,838
Expedited Plat (Fee at Check Print)		\$ 836	\$ 1,335	\$ 1,835
**Exempt Plat (Fee at Check Print)		\$ 200		
Corrections or Vacations of Recorded Final subdivision plats or		\$ 309		
Corrections or Adjustments to Plats, Conditions, and supporting		\$ 309		
Minor Adjustments		\$ 309		
Major Adjustments	Major subdivisions affecting:			
	6 to 40 lots	\$ 1,412	\$ 1,476	\$ 1,540
	41 to 200 lots	\$ 4,236	\$ 4,429	\$ 4,621
	Over 200 lots	\$ 4,750	\$ 5,456	\$ 6,161
	Minor subdivisions	\$ 616		

\*\*Fee Set by State Law

NOTE: Fees are rounded to the nearest whole number

## Zoning Fee Schedule - YCO FY21

PLANNING APPLICATION AND PERMIT REVIEW FEES		FY 21
Zone Change	Residential	\$ 1,062
	Commercial	\$ 1,470
Land Use Contrary to Zoning		\$ 482
Administrative Appeal of Zoning Interpretation		\$ 182
Special Review	Residential	\$ 1,062
	Commercial	\$ 1,470
Variance	Residential	\$ 531
	Commercial	\$ 653
Planned Unit Development	<5 acres	\$ 1,223
	>5 acres	\$ 1,960
Deposit for zoning application posting signs (refunded after sign		\$ 125
Temporary Use Permit	Initial review	\$ 247
	Annual review	\$ 163
	Bond	\$ 1,650
Temporary Sign Permits		\$ 16
Zoning Clarification (includes condo document review)	Written	\$ 77
	On-site visit	\$ 155
Zoning Compliance	Residential	\$ 77
Zoning Compliance	Commercial	\$ 115
County (calculate both side of sign in fee)		\$3.00/sq. ft. (\$2/Sq.ft. application fee, \$1/Sq. ft. permit)
Sign - Change of Face Only		\$ 25
Fence Permit (For Replacement and New Construction)		\$ 30
For all Zone Change applications resubmitted within 1 year of a		\$ 817
For all Special Review applications resubmitted within 1 year of a		\$ 817
For all Variance applications resubmitted within 1 year of a		\$ 817

<b>FY 21 Project Re:Code Fees</b>		
<b>Administrative Relief</b>		
Base Fee	\$	175.00
Each Additional Rec	\$	75.00
<b>Planned Neighborhood Development</b>		
Neighborhood	\$	1,400.00
Comm/MU/TC	\$	2,250.00
<b>Landscape Plan</b>		
<1 Acre	\$	230.00
1-3 Acres	\$	345.00
3-5 Acres	\$	460.00
5+	\$	575.00
<b>Proportionate Compliance</b>		
Base	\$	115.00
Site (Add)	\$	75.00
Structure (Add)	\$	50.00
<b>Code Interpretation</b>		
	\$	77.00
<b>Concept Development Meeting</b>		
	\$	482.00
<b>Amendments to Approved SR Uses</b>		
	\$	115.00

Note: These fees are only intended to be collected once project Re:Code is adopted.

Resolution No. 20-

**Resolution of Intent to Adopt Revised Fee Schedule for City-County Planning Division  
Zoning and Subdivision Applications and Permits**

WHEREAS, the Yellowstone County Board of County Commissioners has adopted zoning and subdivision regulations and a fee schedule for the reviews required by the regulations. The Board uses the fees to pay for some of the costs associated with the reviews. The fees do not cover all of the costs associated with all of the reviews. The costs associated with the reviews have increased over the years. To have the fees cover more of the costs associated with the reviews, the City-County Planning Division has proposed an increase in the fees. Attached as Exhibit A is a copy of the proposed fee schedule.

WHEREAS, the Planning Division has proposed fees in anticipation of the future Adoption of Project Re:Code. Attached as Exhibit B is a copy of the proposed fee schedule.

NOW THEREFORE, BE IT RESOLVED,

The Yellowstone County Board of County Commissioners intends to adopt a revised fee schedule for zoning and subdivision applications and permits. The revised fee schedule would have the people requesting the reviews pay more of the costs associated with the reviews. On September 29, 2020 at 9:30 a.m. in Room 3108 of the Stillwater Building, located at 316 North 26<sup>th</sup> Street in Billings, Montana, the Board will hold a public hearing on the proposed revised fee schedule. At the hearing, the Board will receive comments on the proposed revised fee schedule. The Board orders the Yellowstone County Clerk and Recorder to provide notice of the hearing. After the hearing, if the Board believes that it is in the best interest of the public, it will pass a resolution to adopt the proposed revised fee schedule for zoning and subdivision reviews.

Passed and Adopted on the 15<sup>th</sup> day of September, 2020.

BOARD OF COUNTY COMMISSIONERS  
YELLOWSTONE COUNTY, MONTANA

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Denis Pitman, Chairman

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John Ostlund, Member

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Donald Jones, Member

ATTEST:

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Jeff Martin, Clerk and Recorder  
Yellowstone County, Montana

**B.O.C.C Monday Discussion**

1.

**Meeting Date:** 09/14/2020

**Title:** Commissioners Board Report

**Submitted By:** Erica Wiley

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**TOPIC:**

Commissioner Boards Report

**BACKGROUND:**

n/a

**RECOMMENDED ACTION:**

Discuss

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